COLT'S TRIAL.

Court of Oyer and Terminer. JUDGE KENT, PRESIDING.

SIRTH DAY-TUESDAY, JAN 25.

Sixth Day—Tursday, Jan 25.

The interest of this singular affair still increases. The Coart room was crowded again yesterday as soon as the doors were opened, and so were all the avenues to the Coart Room. There were a dozen well dressed ladies present in Coart.

The Coart met at nine to allow the jurors to go home for an hour and meet again at 10 o'clock. Dr. David L. Rogers was in attendance.

Mr. Wherlen.—After Delnoce slept in my rooms I conversed wit! Colt about it; gave Colt that as a reason why I wished him to leave; it was the day that Colt gave me the books as security for the rent; on the 13th of Sept.; on Saturday, Sept. 18th, after he had returned my key, which he borrowed, I again told him Delnoce slept in my room last night; he said "I thought I saw a light there last evening," he immediately corrected himself and said, "after I came in —but I came in very late."—He had before said that he was out all the afternoon; he saw the light, I presume, through the erack.

orack.
District Attorney.—I now propose, Mr. Selden to ask this witness if Mr. Colt did not have a Colt's pistol in his possession a short time before the 17th of September.
Mr. Selden objected, and asked for the decision of the Court.

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Judge Kexx.—My mind is still open to the conviction of argument, Sir, but on examining the subject last night, Sir, after adjournment, the additional attention I've given to it, has induced me to consider the evidence offered by the District Attorney ar admissible. I'm still rerdy to hear you, how-

SELDEN.—I'm perfectly willing to rely on your Honor's judgment, in the case, sir. Judge KENT then delivered the following opin-

After an examination of the point raised last evening, careful as the shortness of time will allow, I have come to the conclusion that the evidence proferred by the procurion is admissable under the indictment.

It is proposed by the District Attorney to adduce evidence tunding ro prove that the death of Samuel Adams was caused by a bullet proceeding from a pistol, and this he seeks to do under an indistment, two counts of which allegethe death to have been caused by a hatchet, one of which the two other counts allege that the prisoner did strike and cut the deceased "with an instrument to the jurors unknown."

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strike and cut the deceased "with an Instrument to
the jurors unknown."

It is impossible to glance over the decisions in the
English books, on the construction of indictments, and
the adaptation to them of evidence, without a feeling
rising almost to indignation, at the excessive subtlety
and refinement which have been as often permitted to
obstruct the course of justice, and violate the dictates of
reason and common sense. Until, however, the legislature shall apply a remedy, it is the absolute duty of the
sourt to carry unstrinkingly into effect the decisions
and established principles of the criminal law; but in
the present instance it is believed that the evidence of
fered is fairly within the spirit of the cases.

[1] Under the two counts of the indictment, charging
the death to have been caused by a hatchet, it appears to
me that the doctrine of even the earliest and strictest
writers prove its evidence to be given of death caused by
shooting. Thus Huwkins says (Book 2, chap. 46, \$37.

"If one be indicted or appealed for killing snother with
a sword, and upon evidence it appear that he killed him
with a staff, hatchet, bill or hook, or any other weapon
with which a wound of which deed; and it is not material with
what he gave it, though for form's sake it be necessary
to set forth a particular weapon."

"Yet (he adds) it seems clear, that evidence of poison
ing, burning, or famishing, or any other kind of killing
whereis no weapon is used, will not maintain an indictment or appeal of poisoning, &c., because they
are different kinds of deaths.

This extract, satting forth plainly the reasonable distinction of the early cases, contrasts most favorably in
fixe simplicity and clearness with a modern English Nisi
Prius case.—Rex vs. Hughes (in 5th Carrington & Payne
120) which, in its unmeaning sophistry, seems to set
reason and justice at defiance.

Hawkins is supported, Rex vs. Macally, 9 Co. 67 a.—

199) which, in its unmeaning sophistry, seems to set reason and justice at defiance.

Hawkins is supported, Rex 12. Macally, 9 Co. 67 2.—

Silbert's Evidence, 231.

Russell, in his Treatise on Crimes, adds another striking illustration:—"It will be sufficient, if the manner of the death proved agree in substance with that which is charged. Therefore, if it appear that the party were killed by a different weapon from that described, it will maintain the indictements; as if a wound or bruise, alleged to have been given with a wooden staff, be proved to have been given with a wooden staff, be proved to have been given with a stone" [I Russel, 477.]

In a Massachusetts case, [cited in the American edition of Russel's Treatise, p. 467, note—and which I have not had time to trace to the original reports, I the doctries and the reason of the distinction are recognized and suffered. The indictment in this case—The Commonwealth we Boris, trial in June, 1929—alleged the mortal wounds to have been inflicted with an axe. It was doubtful, upon the evidence, whether they were made by an axe, saw, broom, or some other instrument. The Court instructed the jary that "if the death was caused by the secunds mentioned in the indictment, it was immaterial whether the instrument used for the purpose was as axe, if they were given by some deadly weapon."

There may be given for the distinction, that if the death was caused

lence-instantaueous in its application, and simultaneous in time.

But besides, if a person charged with killing with a dagger, may be proved to have killed with a bludgeon—if one-charged with having killed with a club, may be accorded to have if the substance of it ematter is (in the language of Hawkin's) whether he gave, the party a wound of which he died: what principles about support a distinction, which shall present a charge of killing with a hatchet from being supported by Killing with a pisto!?

The mode is which the principle is laid down in the books confirms this view. "If the species of death be different by if the indictment allege a stabbing or shooting and the evidence prove a poisoning or starving, the varance would be fatal." Archibald Criminal Pleading, 382 Secalso, Rex vs. Martin, 6 Carrington and Payne, 128.

and the evidence prove a poisoning or starving, the variance would be fatal." Archivial Criminal Pleading, 382. See also, Rex vs. Martin, 6 Carrington and Payne, 128.

[2] But is not this evidence admissable under the two counts I alleging that the prisoner gave the mortal wound by "striking and cutting," with "an instrument to the Jurors unknown?"

In the argument, the counsel for the prisoner objected that the words , striking and cutting? did not apply to shooting, as the force in the latter case was the result of an internediate agent, i. c. the gunpowder which was only jenuised by the action of the prisoner. Such, at 1-set. I understood his argument to be.

I believe the law of pleading regulating indictments, requires only the word "striking" to be inserted in the indictment—the other word, "cutting," is unnecessary. But the word "striking"—percussit," in the ancient plealing—is a word of art appropriated to the description of external violence. (Hawkins, Book 2, ch. 23, sec. 22, 3d, Chitty's Criminal Law, 752, note d)

But it is equally clear that the word "striking" is

But it is equally clear that the word "striking" used, and is alone sufficient in those indictments whit describe, with particularity too, the murder as cause successfully shooting with fire arms. [See all the precedents indictments for shooting and wounding, 3 Chitty, c.

by shooting with fire arms. [See all the precedents of indictments for shooting and wounding, ? Chitty, c. 2, 762, &c.

If, then, there is nothing in the word "striking" which precludes evidence of shooting—but the word is correctly used by the pleader for this purpose—why may not evidence be given under the count describing the wound as caused by an unknown instrument?

The count is surely defensible, if the jurors cannot accertain how the wound was given. The idea is not to be tolerated, that, if a case of homicide should occur, of which the operating cause could not be conjectured, that therefore it should go unpunished. And if such an indictment be good, under such circumstances, would it not be supported by evidence, which shall subsequently discover the means which were unknown? The piecater may describe the wound as inflicted by an axe, and prove it to have been done with a stilletto and prove it to inave been committed with a stilletto and prove it to inave been committed with a stilletto and prove it to inave been committed with a stilletto and prove it to inave been committed with a stilletto and prove it to inave been committed with a stilletto and prove it to inave been committed with a stilletto and prove it to inave been committed with a stilletto and prove it to inave been committed with a stilletto and prove it to inave been committed with a stilletto and prove it to inave been committed with a stilletto and prove it to inave been committed with a stilletto and prove it to inave been committed with a stilletto and prove it to inave been committed with a stilletto and prove it to inave here committed with a stilletto and prove it to inave here committed with a stilletto and prove it to inave here been committed with a stilletto and prove it to inave here. The prisoner charged, totilem verbis, with killing the deceased with a sword may much more plausibly complain of the admission of proof of killing by a club, as an offence he had not notice to reasist, and which sontralicts expressly the written

Judge Kent-We're not likely to forget your argament, sir.

Mr. Emanerr excepted to the ruling of the Court on this point of the pistol.

Wheels are ramined—I think it was on the 13th of September, in the evening of that day, Colt came to my room after school was over; he talked about his brother—I asked him if Mr. Colt, the inventor of the pistols, was a brother of his? he said he was. He asked me if I had seen any of his pistols? I said I had not. He replied that he had one in his room, and he'd go to get it. He went and got one, a dreturned with it to my room. The pistol had an elegant pearl handle, and had are or six barrels on a revolving cylender, or one barrel and six cylenders—was a beautiful piece of workmanship—the tubes or barrels were four inches long. He also showed me a very ingenious apparatus for loading the pistol—ithad his brother's name en it as the maker. Never seen that pistol afterwards.

Cross-examined—The man I saw stooping down in Colt's room, bending over something, was nearly close to the west wall, about half way between the door and the window, and his back was about opposite the folding doors. Could not bring my eye so as to see the feet of the man—think I saw the lower part of his head. The revolving part of that pistol was about four inches long, and one and a half inch in diametar—(a tumbler shown)—it was as long as that glass, and all of one-third less in diametar. (He marked a circle of one inch nine six teenths in diametar—(a tumbler shown)—it was as long as that glass, oh, certainly it must have been as long as that glass. The whole instrument, from the end of the handle to the end of the muzzle, I should think was 8½ inches—it might not have varied in length one quarter from this statement either way. I don't think the pistol was about the pistol was shown he offer in mine—I was oftener in his room, and he often in mine—I was oftener in his room and he often in mine—I was oftener in his room and he often in mine—I was oftener in his room in the order in his fact to Mr. Justi

bad at least one barrel to it; but he would swear to nothing more. Here there was general laughter in Court]

Witness.—The barrel of that pistol was four inches. [The barrel of Colt's pistol is about six inches.] If anything of this kind occurs again, I'll be particular and measure the pistol, so as to be save time: my impression is that the barrels revolved, so there was no necessity of any thing between the barrel and the cock: there was certainly a cock to that pistol. [Much laughter.] The pistol was attempted to be cocked in my presence: am not sure whether the name of "Colt" was on the pistol, as the maker; or not: might have told Justice Taylor about this pistol before the arrest of Colt—can't remember that, bad so many things to remember: I made a statement before Justice Taylor under oath.

Mr. Whitniso objected to asking witness what he swore to before Justice Taylor.

The Court said he could not be examined as to the oath.

Mr. Whitnisc had no objection, if the original

The Cours said he could not be examined as to the oath.

Mr. Whitting had no objection, if the original affidavit was put into Wheeler's hands.

Affidavit was put into Wheeler's hands.

SELDEN read from the affidavit that Wheeler then swore that the noise in Colt's room sounded as if persons were fencing, and one had pushed the other, and the other had fallen.

WITNESS.—I believe I said that; the affidavit is sworn to Don't know whether I got the key to Colt's room on the night of the I7th or morning of the 18th. I fremarked to Mr. Wood at my house that aight, that I should like to get a look at Colt's room; and he gave me a key at my house either that Friday night or Saturday morning. I looked in at Colt's room between 9 and 10 on Saturday morning. Can't say whether I then had heard any thing about the moving of the box. On reflection, I think that Mrs. Octon, or Mr. Octon, or Mr.

Delnoce, had told me they saw Mr. Co t moving a box I must have had information that Colt was out or I would not have ventured to have opened the door.

box I must have had information that Colt was out, or I would not have ventured to have opened the door. By a Juron.—I did not hear any sawing in that room at any time previous to t at Friday, or at any time.

Mr. De LaForrest examined.—I bought two of Colt's pistols for the Prince de Joinville; (pistol shown,) it was not so long as that. He wanted the agent of Colt's company to give, him something very good. He brought one fine one; and on board the Belle Poule we fired a Colt pistol, with a cap only, and the ball went 160 feet along the deck, struck a hard board, and rebounded twelve feet; a ball also was sent from the pistol at a distance of twelve feet, clear through a book (Brussel's edition) of 150 pages, with a cap only. That's all. The noise was very trifling.

John A. Underwood examined—Is an Alderman; has seen experiments made with a pistol shorter than that I've called in the Patent Arms Company's store, in Broadway; have often seen there a ball sent from a Celt's pocket pistol, with a cap only, the distance of 25 or 30 feet, and half imbedded in the board. I consider this Colt's pistol the very perfection of fire arms. The principle is, that the cap is applied directly at the end of the breech and there is no angle as in other fire arms; and the percussion powder is applied directly to the ball, and act with more force than in any other pistol.

Selden—Does your honor lunderstand it?

pistol.

Selden—Does your honor understand it?

Judge Kent—Yes, and admire it too.

Witness—Have tried experiments with Allen's patent pistol; there the cap is on the top, the force acts at right angres to the charge; it does not act with any thing like the force of Colt's pistols.

CHARLES DELAVAN—Alderman, is the noise of the clashing of foils any thing like the snap of a pitolsico.

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the clashing of foils any thing like the snap of a
pitologop.

Wiffress—I can't say.

3: Juron—Would a revolving pistol kill a man
with a cap and ball only at the distance of 6 feet.

Officer Dennison examined—Saw the box and
body found on board the vessel. When the box
was opened, and the first cloth took off, I saw
something like several pieces of salt; I said to
some one standing by "that's salt." then I saw about
a haudful of it on the other cloth; and when the
second side of the cloth was taken up the salt fell
down alongside of the body. It was course salt!

Cross examined—When the clothes were lifted
off or thrown back, the salt fell inside the box.

James Short examined—(A miserable nondescript looking character, four feet high, was put on
the stand.) I washed the body; I out the rope from
his right knee, and the neck, and took the bones
from out his skull, and washed them and give them
to the doctor. It was a very thick rope and hard
twisted; I washed the body after the doctors ex
amined the body. There was salt about the body
when I put it on the bench to wash it, and something like lime; there was salt about the body when
I washed it I couldn't say, to tell you the truth,
but he was salted. I couldn't tell how much salt
was put upon him, but he was salted, to tell you the
truth. I gave every bone to the dector, and he set
them all down on a piece of paper. The first piece
was about the breadth of your two fingers. I took
three out at any rate; out from the forchead. I saw
both eyesin the head when I began to take the
bones out. I saw no cut about the face or the jaw,
only the cut in the forchead that was done by an
axe or a hammer. I washed it directly after the
doctors had done. I put the body in a coffin, and
forgot the pieces of hone, so I took the piece of
paper the bones were in, and ran down to the burying groand (pointing to Ann street.) I don't
know the names of the streets here, because I'm
ne s

the hand, and they made about the same indentation.

Witness.—These caps are ordered as "double
caps," the strongest that can be got, for the purposes of this experiment.

By a Junon.—If the ball was not pushed down
to the bottom of the barrei the force would be less;
it would scarce pass out of the barrei.

Witness.—These are the balls that were used
for those three experiments; (three balls were
shown to the Jury,) never made any pistols but
that size; all the pistols are made with five charges
in a cylinder; the cylinder of the largest pistol is
2½ inches in diamater; in making these pistols you
must double your power if you double the size of
your ball; in case of using a cap, the force ceases
to a ct on the ball as seon as the ball escapes from
the barrel; this is the largest ball—masket ball
used for government service; it is 5-8ths of an inch.
The English have used a ball fourteen to a pound,
but those are exploded. The half ounce ball is exactly half an inch in diameter. The ball for the largest pistol is 89 to the pound; it is about 5-16ths of
an inch; the next size i-9 32 parts of an inch; the
smallest is exactly a quarter of an inch. (Several
other experiments were made, with the same effect
as before)

By the Court—It is impossible for a ball to pene-

rels.

Several other questions were asked about air guns, but they clicited nothing.

Dr. David L. Roders examined—Is a professor of surgery; been a practising surgeon for 15 years. My attention often called to the character of wounds on the head. If a ball breaks in the bone of the skull, the opening or the hole is less than the size of the ball—as a general rule, owing to the velocity of the ball—as a general rule, owing to the velocity of the ball and the yielding of the parts.

Adjourned for an hour.

Atternoon Session.

Dr. Zabriskie examined—Is a regular physician; was agent of the Patent Arms Company for fifteen months; tried all the Colt's pistols at least tens of thousand times; often with a double charge of percussion powder; the greatest force I ever got was by firing one of these pistols at a distance of thirty feet, so as to make it stick in a soft pine-board; I should say it was utterly impossible for a ball so fired, with a cap, to go through a man's skull; quite impossible.

L'rosverumined—One of the great objections to

fired, with a cap, to go through a man s saur; quite impossible.

Cross-examined —One of the great objections to the repeating arms, is, that it makes a clear, sharp, ranging sound, when fired with powder, more than any other kind of fire arms; a ball fired from one of these pistols, with a small portion of powder, might be made to penetrate a man's skull, but I think it highly improbable; the force would be less at two feet than at twenty feet.

Here Whiting proposed to introduce the scull of Mr. Adams.

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Here Whittiso proposed to introduce the scull of Mr. Adams.

Dr Gilman recalled—This afternoon the coffin of Mr. Adams was taken out of the grave yard; the head was detached from the body; the cavity of the skull was examined; there was no foreign substance there; we examined that hole on the left side of the head; my little finger passed in up to the second joint; the wariation of the hole from a circle was about 1 l-24th part of an inch; the anterior table of the bone was depressed about one-twelfth of an inch, and on the interior table of the bone at this round hole on the opposite side there is a scaling off. It is inconceivable to me how that hole was produced.

Cross-examined—I can conceive that it was possible this hole in the head was made by a nail in the box, and by the body grating or moving against this nail.

By Whitino—The nail might have been driven into the head, as it was driven into the box; and the hole might have been ground out larger and larger as the body moved. The edges of the hole were slightly ragged. My opinion has been changed about that round hole being made with a bullet; that hole is not such a hele as a bullet would make. I now consider it highly improbable that that round hole was made with 4 bullet; that hole was made with 4 bullet; that hole was made with 6 box; as kell would glance off. A hatchet head, the head of whichwas no larger than that hole, would make just tangles might make just such a hole.

Cross-examined—(He examines the holes in the pine-board made with Colt's pistols.) The force that was used to make these holes would not cause a ball to penetrate the skull of any man; I am positive of that.

Dr. Rogers examined—Large portions of the skull may be driven in, and yet the person, by a fall of a block from the mass retain his sensibility: I saw that box, and the larger: this hatchet, (hatchet produced,) if applied on the plat side mi

tal part, and retained his sensibility, he would have the power to cry out.

By the Count. If a man was struck such a blow and yet retained his muscular powers, still he might have not have been able to cry out. Injuries of some parts of the brain a slicet the voice more than other parts, and prevent the person from making a noise. Military works state that nearly half the hemisphere of the brain has been cut off by a sabre wound, and yet the man retained his sensibility. Heming's work, and Larry's work, and Thomson's work, mention this, also a man at the battle of Waterloo received a ball in his head and lived, afterwards Thomson's work or Sinplanation, mentions this. It to coursed at the battle of Waterloo; Thomson is a standard work.

afterwards Thomson's work or Sinplanation, mentions this.! It occurred at the battle of Waterloo; Thomson is a standard work.

The District ATTORNEY here examined Doctor Rodorss very minutely about how the man acted who showed him how Adams laid; but elicited nothing new.

By SELDEN. A blow from a ball sufficient to produce that indentation in those pine boards, could not produce a fracture in a scull.

WM. H. THOMSON examined. Went to Colt's room te look through the keyhole to see the angle of the vision obtainable there—made a diagram of it. In looking through the keyhole, the eye strikes the floor at a distance of five feet from the door. Here the witness produced a diagram, and the Court ordered him to explain it to the Jury.

Dr. Bedford examined—Been a practising physician since 1829; if the frontal bone be broken in, suspension of life does not immediately or necessarily follow. Very extensive fractures of the head and loss of portions of the brain have taken place, and yet sensibility remain.

By the Court—A man might receive such an injury as Adams is said to have done on the head, have retained muscular power to hold his grasp as if he had one, and yet his voice might have been affected or lost.

By Whiting—Such a blow as Adams received on the forehead might have been given by a man lying on his back; this hatchet used on the first side.

The deposition of Lyman W. Ransom was read.

Civer and Courty or New York, so:—Lyman W. Ransom, a witness, preduced, sworn and examined de bene

CITY AND COUNTY OF NEW YORK, SE :- Lyman W. Rar

JERNEY SPORT—Yes, and I'm very glad of it, for it's all a fact and a very lad business.

Withton—Yes, Since With the control of the foreign of the control o

Sworn before methis 17th day;
of November, 1841.

JOSEPH STLONG,
COMMISSIONER of Deeds.

VICTOR BECKEN examined—(A lad about 15 years old)—Lived at No. 3 Murray street, from May 1840, to May 1841; Mr. Colt had a room there after we left; we left an old awning up in the garret.

The avening found in the box with Adams' body was the avening we left there. I've examined it, and know it by the marks on it; my father occupied one of the rooms which Mr. Colt occupied after my father left.

Cross-examined—Know the awning by two pieces

father left.

Cross-examined—Know the awning by two pieces of cloth that were sowed on to it to fine it; they had "ready made linen" written on them, and they were cut off, and the two ends of those pieces were left round the rope and are there now. I saw the awning in the Tombs. My father bought the awning of a Mr. Pettis, an attorney; we never had the awning whitewashed; I helped my father to cut those pieces iff, and put the awning up, he did not know it better than I did; I saw the awning there the I to July, 1841; my father went after it on the 2d of July, and the awning was gone; it was one 2d of July, and the awning was gone; it was one year old when we got it; rather dark colored; my father paid \$18; we used at three months; it was attached by iron rings to the house; there was a rope all round it; the rope on the side was the strongest and thickest; my father sailed away for France las; Saturday. My father saw the awning too. I went to the Tombs to see it three weeks ago.

las; Saturday. My father saw the awning too. I went to the Tombs to see it three weeks ago.

James M. Clauson examined—Know John C. Colt. Knows him since last May; he lived at No. 3 Murry street at that time. Mr. Beeker, atailor, had the house before; I had an office on the second floor; Colt had a room there; I saw him every day more or less; I was in his room half-a-dozen times. All I noticed part sularly was two or three chairs and a box; the b-x was a common packing box, three or four feet long, and two feet wide or more. He used to stop into my room most every morning, to see if the postman left any letters there for him. Don't remember seeing a pail there. Saw an awning in the garret of that building. He came into my room one morning the end of May, 1841, and showed Mr. Lee a hatchet he had been buying.

Cross Examined—It was a new hatchet. He said it was a handy thing to have in a room. The same way I suppose as any one would have a hatchet in his room; it's handy and useful to split fire-wood, and so on, many things. He went away the 1-t of August. One time I saw books and papers in his box, put in carelessly. A good many people called there for him. I didn't see the awning moved away a woman lived up-stairs; told me the latter end of July that the awning was missed. I think he took the hatchet up to his room. Mr. Lee lives at the corner of Murray-street and Broadway.

Joan M. Lee examined. Knows John G. Colt. I lived at 3 Murray street last May: am an engraver.

July that the awning was missed. I think he took the hatchet up to his room. Mr. Lee lives at the corner of Murray-street and Broadway.

Joan M. Lee examined. Knews John C. Colt. I lived at 3 Murray street last May; am an engraver. Mr. Colt moved in there in May. I saw Colt frequently while he lived there. We received letters for him. Was in his room. I saw a box, table and chairs in that room He was writing and fixing his work on "Book-keeping." I received proof sheets for him, and gave them to him. It was an old building. I noved out soon after the 1st Aug; so did he; I saw an old awaing up stairs in that building. I thought it was an old worthless thing and of very little use. The people who left it had moved all their other things away and left that, as I thought, because it was good for nothing. One morning he came in and showed me a hatchet he had bought—said it was a handy thing 40 have in an office—to chop wood and nail up bexes, and so on. Before that he had been in the habit of borrowing my hammer. It was a new hatchet; and I've bought a hatchet since myself. It is a very common thing to have a hatchet in an office for many little purposes—I have a hatchet and a box in my office. Both he and I had permission to remain in that building till some one person hired the whole building. He and I both moved out near about the same time; I saw him moving in a box into that building; if had a cover to it. I was at his room at the granite building to see if the awning or the hatchet was there. Can't say whether the box was cleeted up or not.

Bo Seldon—Colt always appeared to be a very straightforward, mild, and gentlemanly man in his conduct to me. He always conducted himself in a very correct manner.

By Withtiso—Didn't know where he slept, nor any of the people who called to see him. None but mades called there to see him. He might have told me where he bought the hatchet.

By Seldon—Colt always appeared to be a very straightforward, mild, and gentlemanly man in his conduct to me. He always conducted himself

two entries of paper soid to him—it was for "Coit's Book-keeping" He ordered the paper the 27th of July. We had not the right size by us then, and we ordered it expressly for him. He gove his address as No. 3, Murray street. The paper was received by us in the beginning of August.

The entry was—"Ordered to John C. Colt 36 reams of news paper: to weigh 26lbs, at 13 cents per lb. one half cash—one half good note." As soon as the paper came, we sent to Mr. Colt, and were told he had moved to Chambers street: soon after this, Mr. Adams called on us, with a letter from Mr. Colt, written in Boston, saying that he had been sick, and requested us to deliver him (Adams) the paper: and if we objected we might go to Mr. Colt's brother, and he would pay us or make it all right; this was on the 12th of August: Mr. Adams said that Mr. Colt had always paid him; and he thought it would be safe to deliver him the paper: so I let him have the paper; he promising that Colt should see to it: I delivered him ten reams of paper: the balance was by mistake shipped at Hartford on board of a sloop instead of a steambout: and it did not arrive here till the 23d of August: I left the mill on the 66th of August: Mr. Adams called repeatedly and said he could not get the book out in time, for the New York trade sale: on the 26th of August Colt called and said that the paper had been delayed so long, that the book would not be got out by the New York trade sale: I told him I thought it could: he went to see Adams and came back and said that Adams said it could not be got out: I wanted to know what was to be done with the balance of the paper; it was an odd size: he said he'd take it, if I'd give him time on it, to get the book out for the Philadelphia trade sale: he was anxious to get the proceeds from that sale, is pay us: I did not consider him bound to take the balance of the paper: from what he had said in the store and what Adams said, I thought his note good for the amount: the paper was weighed and the whole amounted to 5121 68 with

[Receipt read] "Received of B W. Foster & Co. the stereotype plates of Colt's Book-keeping, which are subject to his order.

SAMUEL ADAMS.

Witness—These trade sales are deemed very important. Booksellers come from all parts of the country to attend them; Mr. Colt always behaved very gentlemanly and mild as I saw; never saw him excited, although he was se disappointed. He always acted in our store as if he was a back-ward or diffident man rather than otherwise; not so forward to express his opinions as some people; not quick or hasty; understood those plates were worth \$300.

Cross-examined—Delivered the 10 reams to Adams on his saying that he would not let the books go till I'd seen Mr. Colt. I did not look to Mr. Adams for the payment of the paper. I told Adams that Colt had given us his note for the whole of the paper. As far as I know his temper was mild and good; have never heard any thing against his temper.

By Selden—I never held Adams responsible—I showed him Colt's note; I considered the original understanding between him and me at au end, and I supposed that he did

ADAM W. Spies examined—I'm a hardware merchant My sale has been very much directed to various kinds of arms. I've seen the revolving arms. Have one in my pocket, (produced one of Allen's revolving pistols with six barrels) All the barrels in this revolve. Have seen air-guns. The siris condensed by a force-pump into a metal cylinder. The balls are usually very small; 100 to 200 tof the pound—a little smaller than a buckshot. The cap is Allen's pistol is at right angles with the barrel; the nipple is on the top. The cylinder to an air-gun is in the shape of a pear; the size is 8 inches by 6 inches.

Cross Examined—Have tried to discharge a ball with a bare cap, with Allen's pistol, but it will scarcely throw a ball out of the barrel. The caps used this morning are the best that are used. There are caps made that will throw a hall through an are inchboard and kill a man; but they made large made large to fit muskets; no such caps are made t

Warrens directed the skull to be brought into

all the front part of the head was beaten in. The jaw bone was not there. It was very evident that all the blows on the head were done with a hatchet.

Dr. Rogens showed the skull and the hatched to the Jury, and explained to them how the left hole could have been produced by the hatchet. He said that without doubt the hammer head of that hatchet produced the fracture or indentation of the skull on the right side; and that the edge or corner of that hatchet produced the left hole—this latter was near the top of the head, and not on the side.

ner of that hatchet produced the left hole—this latter was near the top of the head, and not on the side.

Dr. Archer was examined. That skull was taken from the coffin of Samuel Adams this afternoon. I can't conceive how the hole on the left side could have been done with the edge of the hatchet.

Dr. Morr examined,—Has examined the head. I think the small hole might have been produced by the hatchet: Pm satisfied that that hatchet produced that hole; and, that the blow was given from the front. It is different from any gun shot wound I ever saw. Probably that wound (dent) on the right side of the head was done by the head of this hatchet. Don't think this wound in front was done by a single blow. I've seen men walk and have their senses with one fourth of their scull knocked sway; persons might have greater wounds on the head than this, and yet have their senses and walk; and would be sensible whilst an operation was being performed upon them. No man would undertake to say that the injuries in the front of this scull were given with a single blow. They must have been done with several blows. It's difficult to say how the persons stood when he gave the wound on the right side of the head.

In wounds and injuries on the head there are no two cases alike scarcely in their results. Sometimes a very slight injury produces death. In this case either of the wounds on the right or left side of the scull might have produced death. It is always difficult to tell what effect may by produced by a particular kind of wound on the head.

After some little further examination of the scull and the hatchet to the same effect, the Court adjourned.

Ott was greatly affected during the exhibition

adjourned.
Colt was greatly affected during the exhibition of the scuil.

General Sessions.

Before His Honor the Recorder, Judges Lynch and Noah, and Aldermen Timpson and lanes.

Jan. 25.—Case of John De Groot.—The argument in this case to obtain leave to withdraw the plea of not guilty, and enter a demurrer to the indictment, was heard. Mesers. Cutting and Chase appeared for defendant, and Mesers. Wheeler and Phillips for prosecution. The Court then adjourned for the remainder of the term.

Special Sessions.

Before Judge Noah, and Aldermea Ianes and Timpson.

Jan. 25.—Mary Bropby, for stealing a muli worth \$6, from George B. Alvord, was found guilty, but judgment suspended and she was discharged. Peter G. Edwards, colored, for stealing a box of sperm candles from David L. Nayle, was found guilty but judgment suspended. Samuel Henshaw, colored, for an assault and battery on William A. Miller, also colored, was found guilty, but judgment was suepended on his promise to go to sea. Henrietta Jackson, colored woman, was found guilty of stabbing a man named Joseph Johnson, also colored, and sent to the Penitentiary for sixty days. Charles Smith, a boy, was found guilty of stealing a xx pairs of muttens from the store of Messis. Farrelly, No. 230 Division street, sent to the House of Refuge. Jane Morris, alias Johnson, was found guilty of stealing a pair of shoes from the store of Messis. Knox & Co., corner of Hudson and Canal steets, was sent back to prison for 20 days. William A. Marshall, charged with assault and battery, and Catharine Murray, with a petit larceny, were discharged, as no witnesses appeared against them.

The Court then adjourned to Friday next, at 10 o'clock.

City Interngence. THE YOUNG MEN'S Democratic Republican Committee meet at Tammeny Hall this evening, to elect

officers for the present year. Perry Thueves.—A woman named Lilen Fizzpa-trick was arrested and committed vesterdey for steal-ing a floor rug, some muslin and other articles, worth from 87 to 88, from Richard Bent, No. 145 Green-

trick was arrested and committed vesterday for stealing a floor rug, some muslin and other articles, worth with street.

A Danay Gambers house brocks tr.—A gambing house, kept at No. 21 Laurens street, by a colored man, named las. Cantine, was entered a few days since by Captain Taylor, of the Third District Watch, and officers J. S. Smith, T. M. Tompkins, and Hoostin, and if 3 of the colored sporting darkies taken to the police office and bound over.

Deed writted a Physician.—A colored man, named Samuel D. Hart, who resided at No. 18, Goerck street, and who had been sick with a disease of the lungs for two years past, died yesterday noon, and not having the aid of a physician, the coroner was called in to bury him.

Mere of the Science.—A colored man, named George Green, who has resided at 290, Madisonstreet, was taken sick a few days since with a sore throat, and eventually obtained the aid of a madical man, known by the cognomen of "the ladian doctor, of Last Broadway." He gave him something to gargle his throat with, but whether death had already selected him for a subject, or the prescription of the doctor contained death, we know not. He died, however, immediately after using it. The coroner made a full investigation of the case, but was unable to ascertain any thing that would lead to the guilt of "the Indian Doctor, of East Broadway." Verdict, "died from inflammatory sore throat."

The Last attremer to Consur Murdden.—A man named John Ceady, a tailor by trade, of No. 11 Batavia street, on the death of his wife a few weeks since, made a present of a portion of her clothing to the wife of Christopher Ridney, of No. 31 Mulberry street. On Monday last, having a little of the Indian characteristic in his disposition, he repaired to the house of Ridney and requested a return of the articles he had presented her. He was requested to call at another time, when he became greatly examplerated, and threatened to have the articles or blood. Words ensuing, he immediately drew a leaded pistol from his pocket, placed

till two persons.'

It should have been "bloody murder with intent to kill two persons."

Doings at the Coroner's Office.—The queer notices sent to the office of the Coroner for his attendance to cases of sudden death, are sometimes so ludicrous as to create a smile. Stepping in yesterday morning we found the following notice on his table.

"Samuel B Hart, No. 18 Georck street, rear basement, dyed without having a physician, wants to be buried this afternoon."

Serious Accorer.—A son of Mr. Oakley, of Brooklyn, a youth about ten years of age, was run over by an omnibus yesterday morning, while crossing the street corner of Beaver and Broadway.—The wheels pessed immediately over the boy, who was apparently killed. Dr. Johnson Rabineau, of Broad street, being sent for, pronounced the injury not fatal. He is expected to recover.

Court Calendar-This Day

COURT OF COMMON PLEAS, 10 o'clock, A.M., before Judge Ingraham—Nos. 121, 5, 65, 127, 135, 136, 13, 20, 137, 139, 141, 143, 147, 149, 55, 57, 69, 63.—Part 2, 4 o'clock, P. M., before Judge Ulshoeffer—Nos. 50, 67, 24, 96, 92, 96, 14, 90, 308, 310, 93, 100, 102, 104, 165.
CREUIT COURT—The adjourned Circuit has been further postponed to Monday.

At Vienna, on the 8th ult. Mendelssohn's St. Paul was performed by a vocal and instrumental orchestra of one thousand and seventy-two persons. It was to continue for three days; the receipts to be employed in erecting monuments to Haydn, Gluck, Mozart, and Beethoven.

It is said that the Queen has specially requested

the boards of the theatre, and that he will very shortly go through the round of his principal characteri.

Mr. Lumley, the new director of Her Majesty's theatre, has arrived at Milan, accompanied by Signor Puzzi, for the parpose of making engagements for the ensuing season, which, according to present arrangements, will commence the first week in March.

Miss Krlly.—It appears this favorite actrees has not left tor America, as stated in several of the newspapers, nor has she any intention to do so.

REBULLDING OF ASTLEY'S THEATRE—Vesterday, a great many workmen commenced pulling down the

RESULDING OF ASTLEV'S TREATRE—Yesterday, a great many workmen commenced pulling down the remains of the late Astley's theatre. The new one, it is said, will be ready for opening on Easter Monday next.

It is believed that Mr. Bishop will be appointed to the rausical chair at Edinburgh. The place is worth about £300 a year.

A fragment of a letter, written by the Rev. Chas. Wolfe, dated September, 1816, has just been discovered, which completely proves his tide to the authorship of the beautiful lines on the death of Sir John Moore.

The "meteor nights" of November have not displayed any remarkable phenomena this year.

played any remarkable phenomena this year. On Saturday se'nnight twenty-five were seen, and on Sunday twelve. Of these, one of which appeared in Ursa Major was as brilliant as Venus, and shot from north to south. Shortly after there appeared

an auroral arch.
Since the French revolution of July (a period of eleven years and four months) the King of the French has had nineteen cabinets.
By the Code Napoleon, no person can be incarcerated for debt in France, after the age of 60, a law an auroral arch.

LETTERS FROM EUROPE. - The Britannia brought tally 25,000 letters, the postage on which amounts to about \$7000. The number of letters for New York was 8000, on which the postage amounted to \$2700, Philadelphia 1800, postage \$550; Baltimore 600, postage \$175; Albany 273, postage \$65; Charleston 563, postage \$187; Mobile 320, postage \$123; New Orleans 500, postage \$489.

CLIMATE OF CANADA — The weather during the night of the 12th, and on the morning of the 13th, became more severe than had previously been experienced this winter. The degree of cold indicated by more than one thermometer in situations near the North glacis of the Cape, was 25 below zero, and in other more exposed situations we learn that the mercury sank as low as 25 below zero (yesterday the wind came round to the North East and continued in that point during the day, with occasional flurries of snow, a light fall of which occurred during the night — Quebec Mercury.

CURRENCY IN CANADA—We understand that the Crown Lawyers have given their opinion that the French and English half crowns and crowns are a legal tender at 2s. 94, and 5s. 61. They will accordingly be received at these rates by the public departments.—Quebec Gozett, 14th inst.

CURIOUS CANGO -The Zotoff, which sailed on Saturday for Ponce, Porto Rico, carried out a dwel-ling house, for one of the dignaturies of the island, all fitted for setting up-

New Juposs in Vinornia.—Judge Win H. Oa-beil has been elected by the Legislature President of the Court of Appeals, to supply the varsacy accu-nosed by the resignation of Judge Henry St. George

Tocker.

And Thomas H. Bayly, E q a delegate from the county of Accomack, has been elected by the Legislature a Judge of the General Court, to supply the place of Judge Upshur, resigned.

CLEAR DAYS IN ORIO.—A correspondent of the Cincinnati Gazette states that there were one hundred and sixty-seven clear days in the year 1841. In the course of a day or two, we shall publish a table, giving an interesting account of the weather for the last five years.